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6 ANAT HAKIM, (admitted *pro hac vice*)

7 Attorneys for Defendant The Rockefeller University, a New York not-for-profit
8 corporation,

9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 Ligand Pharmaceuticals Incorporated, a
12 Delaware corporation,

13 Plaintiff,

14 vs.

15 The Rockefeller University, a New York
16 not-for-profit corporation,

17 Defendant.

Case No: 08-CV-401 BEN (WMC)

**NOTICE OF MOTION AND MOTION
TO DISMISS OR, IN THE
ALTERNATIVE, TRANSFER OR
STAY THIS ACTION**

Judge: Roger T. Benitez

Date: June 2, 2008

Time: 10:30 a.m.

Courtroom: 3

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19 TO PLAINTIFF, LIGAND PHARMACEUTICALS INCORPORATED AND TO
20 ITS ATTORNEYS OF RECORD:

21 PLEASE TAKE NOTICE that on June 2, 2008, at 10:30 a.m. or as soon thereafter
22 as the matter may be heard in Courtroom 3 of the Court, located at 940 Front Street, San
23 Diego, CA 92101-8900, defendant, THE ROCKEFELLER UNIVERSITY, moves the
24 Court to dismiss or in the alternative, to transfer or stay this Action on the grounds that
25 this Action is an improper declaratory action that should be dismissed, that there is a
26 first-filed action pending in the Southern District of New York, that the Court lacks
27 personal jurisdiction over The Rockefeller University, that venue is improper, and in the
28 alternative, that transfer is warranted pursuant to 28 U.S.C. §1404.

1 This Motion will be based on this Notice of Motion and Motion, the Memorandum
2 of Point and Authorities Filed herewith, the Declaration of Anat Hakim and exhibits
3 thereto, the Declaration of James Lapelle, the pleadings, and such other and further oral
4 and documentary evidence and legal memoranda as may be presented at or by the hearing
5 on said Motion.

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7 Dated: March 26, 2008

FOLEY & LARDNER LLP
KENNETH S. KLEIN

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10 By: /s/ _____
11 KENNETH S. KLEIN
12 Attorneys for Defendant The Rockefeller
13 University, a New York not-for-profit
14 corporation
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